

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CONTINENTAL 332 FUND, LLC,
CONTINENTAL 298 FUND LLC,
CONTINENTAL 306 FUND LLC,
CONTINENTAL 326 FUND LLC,
CONTINENTAL 347 FUND LLC,
CONTINENTAL 355 FUND LLC,
CONTINENTAL 342 FUND LLC and
CONTINENTAL 245 FUND LLC,

Plaintiffs,

v.

Case No.: 2:17-cv-41-FtM-38MRM

BROOK KOZLOWSKI and
GREGORY HILZ,

Defendants.

ORDER¹

Before the Court is Defendant Brook Kozlowski's Motion to Continue July 1, 2020 Trial ([Doc. 660](#)), Plaintiffs' Motion to Continue the Trial Date and Joinder in Kozlowski's Motion to Continue ([Doc. 661](#)), and Plaintiffs' Unopposed Motion for Permission to Conduct the Final Pretrial Conference by Phone or Video Link ([Doc. 669](#)). Plaintiffs and Kozlowski want to continue the trial for ninety days because of the COVID-19 pandemic's impact on some attorneys' health and interstate travel. For similar reasons, the parties also wish to appear at the upcoming final pretrial conference by telephone or video link.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

After considering the motions, record, and applicable law, the Court finds good cause to extend the trial term only one cycle to the August 2020 trial term. It will also adjust the remaining pretrial deadlines. As to the request to appear virtually at the final pretrial conference, the Court denies without prejudice that motion.

The Court is closely monitoring the pandemic and continuing to make all necessary arrangements to keep the courthouse open and safe. The State of Florida is also continuing to reopen, which should allow easier travel over the next month. What is more, this case has been pending for more than three years and only two Defendants remain. Because this case is ready for trial, the Court is not inclined to grant any further continuances absent extraordinary circumstances.

Accordingly, it is now

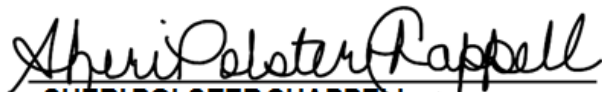
ORDERED:

- (1) Defendant Brook Kozlowski's Motion to Continue July 1, 2020 Trial ([Doc. 660](#)) is **GRANTED in part and DENIED in part**.
- (2) Plaintiffs' Motion to Continue the Trial Date and Joinder in Kozlowski's Motion to Continue ([Doc. 661](#)) is **GRANTED in part and DENIED in part**.
- (3) Plaintiffs' Unopposed Motion for Permission to Conduct the Final Pretrial Conference by Phone or Video Link ([Doc. 669](#)) is **DENIED without prejudice**.
- (4) The above-captioned case is set for the **August 2020 trial term**
- (5) The below deadlines govern the remainder of this case:

Joint Final Pretrial Statement (including joint-proposed jury instructions and verdict form, case-specific <i>voir dire</i> questions, witness lists, and exhibit lists, all of which must also be emailed in Microsoft Word® format to Judge Chappell's inbox)	July 17, 2020
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All Other Motions including motions <i>in limine</i>	July 17, 2020
Final Pretrial Conference	Date: July 29, 2020 Time: 1:30 p.m. Judge: Sheri Polster Chappell
Trial Term Begins	August 3, 2020
Estimated Length of Trial	15 days
Jury/Non-Jury	Jury

DONE and **ORDERED** in Fort Myers, Florida this 11th day of June 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record